

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ROBERT FISK,

Plaintiff,

VS.

DAYTON POLICE DEPARTMENT,
et al.,

Defendants.

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Case No. 3:16cv00118

District Judge Thomas M. Rose
Chief Magistrate Judge Sharon L. Ovington

DECISION AND ENTRY

The Court has reviewed the Report and Recommendations of Chief United States Magistrate Judge Sharon L. Ovington (Doc. #3), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations.

Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendations docketed on June 24, 2016 (Doc. #3) is ADOPTED in full;
2. Plaintiff's claims against the Dayton Police Department, the Dayton Municipal Court, and Magistrate Moorman are DISMISSED with prejudice pursuant to 28 U.S.C. §1915(e)(2);
3. Plaintiff's excessive force claim under the Fourth Amendment against Defendants Officers Wombold and Cartte are not dismissed; and
4. The United States Marshal's Office are ORDERED to effect service upon Defendants Wombold and Cartte, under Fed. R. Civ. P. 4(c)(3), once it

receives the required forms from the Clerk of Court. All costs of service shall be advanced by the United States.

July 13, 2016

THOMAS M. ROSE

Thomas M. Rose
United States District Judge